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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,588

06/25/2003

Douglas H. Rollender

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1441

30593

7590

09/07/2010

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EXAMINER

MEHRA, INDER P

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,588	<b>Applicant(s)</b> ROLLENDER, DOUGLAS H.	
	<b>Examiner</b> INDER P. MEHRA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/15/2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 is/are allowed.
- 6) ☒ Claim(s) 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to pre-appeal brief conference dated 6/15/2010 amendment dated: 3/30/2010. Based on this amendment, claims 1-32 are pending.
2. The finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

#### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

3. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Based upon consideration of all of relevant factors with respect to the claim as a whole, claim 32 is held to claim an abstract idea, and is therefore rejected as ineligible subject matter under 35 USC §101. The rationale for this finding is explained below:

The factors weighing against patent-eligibility are: there is no express or inherent recitation of a machine. There is no explicit recitation of any transformation occurring. The claim is a mere statement of a general concept, e.g., just mental activity, specifically the reception of information. Furthermore, the general concept is disembodied, i.e., the method involves nothing more than receipt of two pieces of information, the reception of a first modified permanent identifier and reception of a modified expanded second permanent identifier. There is no further processing within the method other than the

reception of two pieces of information. The fact that the preamble indicates that this is performed within a mobile communication system is considered just an intended field of use which does not add any patentable weight to the claim.

#### Allowable Subject Matter

5. Claims 1-31 are allowed.

#### REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims.

As recited by claim 1,

forming a modified first permanent identifier including a first portion that includes routing information to a home system and a second portion that includes one portion of the received data, the second portion not being an identification number of a user;

forming a modified expanded second permanent identifier having a second permanent identifier portion and an expanded portion, the expanded portion including a second portion of the received data, the expanded portion not being an identification number of the user;

sending, from a communication device, at least the modified first permanent identifier and the modified expanded second permanent identifier.

As recited by claim 13,

receiving a permanent identifier of the first type and a permanent identifier of a second type, the received permanent identifier of the first type including identification information for the mobile communication system and data;

first determining if a predetermined portion of the received permanent identifier of the first type matches a corresponding portion of one of the stored permanent identifiers of the first type;

sending the received permanent identifiers of the first and second types to a destination entity if the first determining step determines a match exists. As recited by claim 44,

a supervisor in communication with each distribution point, the supervisor operative to provide each distribution point with a listing of to which of the at least one additional distribution point in communication with the distribution point information packets should be forwarded for each

possible destination distribution point, the listing based on maintaining a minimum quality of service in a path to the destination distribution point.

As recited by claim 26,

receiving a permanent identifier of a first type and a permanent identifier of the second type sent by a communication device, the permanent identifier of the second type being an expanded permanent identifier;

extracting a portion of the permanent identifier of the first type as first data, said first data not being used to validate an end user of the communication device; and

extracting part of an expanded portion of the permanent identifier of the second type as second data, said second data not being used to validate the end user of the communication device.

As recited by claim 31,

receiving a permanent identifier of a first type and a permanent identifier of the second type sent by a communication device, the permanent identifier of the second type being an expanded permanent identifier;

extracting a portion of the permanent identifier of the first type as first data, said first data not being identification information associated with the communication device or an end user of the communication device; and

extracting part of an expanded portion of the permanent identifier of the second type as second data, said second data not being identification information associated with the communication device or an end user of the communication device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for allowance.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed toINDER P. MEHRA whose telephone number is (571)272-3170.

The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

All of Applicant's arguments have been responded and in light of above explanation, arguments by applicant are not persuasive.

/Dwayne D. Bost/  
Supervisory Patent Examiner,  
Art Unit 2617

/Inder P Mehra/  
Examiner, Art Unit 2617